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IN THE

Supreme Court of the United States

OCTOBER TERM, 1980

NO. 79-1205

LEWIS T. WIREMAN,
Petitioner

vs.

INDIANA SUPREME COURT
DISCIPLINARY COMMISSION
Respondent

ON PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF INDIANA

MEMORANDUM OPPOSING CERTIORARI

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Respondent, Indiana Supreme Court Disciplinary Commission, by counsel, respectfully submits that the

Petition For Writ Of Certiorari filed herein should be denied.

This matter arises out of the Petitioner's disbarment as an Indiana attorney. *In Re Wireman* (1977), ____ Ind.____, 367 N.E.2d 1368, *cert. denied* 436 U.S. 904. After this Honorable Court denied certiorari, and on or about October 13, 1978, the Petitioner filed with the Supreme Court of Indiana his pleading entitled "Motion For Relief From Judgment". (Petitioner's Brief, Appendix B(1)). The Motion was denied on August 28, 1979. (Petitioner's Brief, Appendix A(1)). Thereafter, on or about September 17, 1979, the Petitioner filed with said Court his "Motion For Reconsideration Of Ruling On Respondent's Motion For Relief From Judgment". (Petitioner's Brief, Appendix B(2)). The Motion for Reconsideration was denied on November 8, 1979. (Petitioner's Brief, Appendix A(2)).

The "Questions Presented" in the instant Petition for Certiorari are whether the Supreme Court of Indiana denied the Petitioner due process of law by (1) failing to conduct a hearing upon his "Motion For Relief From Judgment" and by (2) failing to assure the Petitioner an alternate, disinterested forum to conduct such hearing. (Petitioner's Brief, p. 2). The Petitioner has wholly failed to comply with the requirement of Rule 23(1)(f) of this Court that he show in his statement of the case how the alleged federal questions were timely and properly raised so as to give this court jurisdiction to review the judgments below. Indeed, the Petitioner's Brief and the Appendices thereto show without question that neither question was presented to the Supreme Court of Indiana or otherwise raised in the state court proceedings below.

For the above reasons it is manifest that this Court lacks jurisdiction to review the judgments below and that the

Petition For Writ Of Certiorari should be denied. *Beck v. Washington*, 369 U.S. 541; *Nelson v. County of Los Angeles*, 362 U.S. 1.

Respectfully submitted,

INDIANA SUPREME COURT
DISCIPLINARY COMMISSION

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